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Examiner Holly Schnizer
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on February 4, 2004

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Heidi A. Dare, Reg. No. 50,775

Name of applicant, assignee or
Registered Representative

Heidi A. Dare

Signature

February 4, 2004

Date of Signature

Our Case No. 10402/15
U-3253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christof Westenfelder

Serial No. 10/003,352

Filing Date: November 1, 2001

For METHOD OF USE OF
ERYTHROPOIETIN TO TREAT
ISCHEMIC ACUTE RENAL
FAILURE

)
)
) Examiner Holly Schnizer

)
) Group Art Unit No. 1653

AMENDMENT

Via Facsimile No. 703/308-4242
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action Dated December 12, 2003, Applicant requests entry of the following amendment and remarks:

Amendments to the Claims are reflected in the listing of the claims which begins on page 3 of this paper.

Application Serial No. 10/003,352
Response filed February 4, 2004

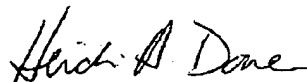
administering a composition comprising EPO prior to the individual developing ischemic acute renal failure as claimed in newly amended claims 1 and 2.

Thus, the Applicant asserts that the claimed invention is not anticipated by Nemoto et al. The Applicant respectfully requests the rejection of claims 2 and 5-7 under 35 USC §102(a) be withdrawn.

SUMMARY

Pending Claims 1-2 and 5-11 as amended are patentable. New claims 12-23 are also patentable. Applicant respectfully requests the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



Heidi A. Dare
Registration No. 50,775
Attorney for Applicant

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Feb. 4. 2004 1:40PM

BH&L CHICAGO

No. 4856 P. 2/17

TRANSMITTAL LETTER			Case No. 10402/15 Client Ref. No. U-3253
Serial No. 10/003.352	Filing Date November 1, 2001	Examiner Holy Schnizer	Group Art Unit 1653
Inventor(s) Christof Westenfelder			
Title of Invention METHOD OF USE OF ERYTHROPOIETIN TO TREAT ISCHEMIC ACUTE RENAL FAILURE			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith are Transmittal Letter (in duplicate); and Amendment.

- ☒ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a _____ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra
Total	Minus	
Indep.	Minus	
First Presentation of Multiple Dep. Claim		

Small Entity	
Rate	Add'l Fee
x \$9=	
x \$2=	
+\$140=	
Total add'l fee	\$

Other Than Small Entity	
Rate	Add'l Fee
x \$18=	
x \$84=	
+\$280=	
Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted.

Heidi A. Dare
 Heidi A. Dare
 Registration No. 50,775
 Attorney for Applicant
 Customer No. 00757 - Brinks Hofer Gilson Lione

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I hereby certify that this correspondence is being deposited via telexmail no. 703/308-4242 to:
 Examiner Holy Schnizer, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 4, 2004.

Date: February 4, 2004

Signature: *Heidi A. Dare*